

REMARKS

This application has been carefully reviewed in light of the Advisory Action dated July 6, 2005. Claims 5, 9-10, 17, 21-23, and 40-42 remain pending in this application. Claims 5, 17, and 40 are the independent claims.

In response to the objection to the drawings under 37 CFR 1.83(a), Applicant respectfully requests that substitute Figs. 2 and 3 contained in the attached replacement sheet be entered. Substitute Figs. 2 and 3 both containing labels for MS3. Applicant respectfully believes entry of substitute Figs. 2 and 3 renders the objection moot and requests its withdrawal.

On the merits, the Office Action rejected Claims 5, 9-10, 17, 21-23, and 40-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-26 of Dooley et al. (U.S. Patent No. 6,646,603). Applicant respectfully believes the attached terminal disclaimer renders the obviousness-type double patenting rejection moot as per 37 CFR §§ 1.321(c) and 1.130(b). Applicant respectfully requests withdrawal of the obviousness-type double patenting rejection over U.S. Patent No. 6,646,603.

The Office Action also includes a provisional double patenting rejection over copending application no. 20040027283. Applicant notes that such a rejection is not considered timely under MPEP §

804(I)(b). Since the provisional double patenting rejection is based on a copending application, no response is currently required until one of the pending applications issues. Applicant respectfully believes the provisional double patenting rejection to be untimely and will respond if and when it is converted to a non-provisional rejection.

On the merits, the Office Action maintains the rejections of Claims 5, 9, 10, 21-23, and 40-42 under 35 U.S.C. § 102(e) as being anticipated by Reed et al. (U.S. Patent No. 6,275,707; hereinafter "Reed"). Applicant respectfully traverses the § 102(e) rejection for at least the following reasons:

Reed at least fails to recite or suggest: 1) determining that the first device is unable to determine its location; 2) sending a request from the first device to the second device that the second device provide its location to the first device in the event that the first device is unable to determine its location; 3) using the location of the second device as the location of the first device. Rather, Reed recites transferring a location estimate from a first transceiver to a second transceiver by "transmitting, from a first transceiver, a location estimate," "receiving, at a second transceiver, the first transceiver's location estimate," "calculating a confidence level of the location estimate obtained from the first transceiver[,]" and "determining whether to update the second transceiver's location estimate and confidence level[.]"

Col. 3, line 66 to Col. 4, line 18. Reed does not recite or suggest any sending of a request between the devices, much less sending a request in the event that the first device is unable to determine its location. Rather, Reed is entirely based on confidence scores attached to determined location information. Additionally, Reed does not use the location of the first transceiver as the location of the second transceiver, but rather uses the location estimate and confidence level of the first transceiver to determine whether to update its own location information based on which device has a higher confidence level. (See, e.g., Col. 4, line 54 to Col. 5, line 43) Only when the confidence level of the first transceiver is higher will Reed's second transceiver use the location information from the first transceiver as a location estimate of the second transceiver. Or this may be done as a weighted average of the location estimates based on the confidence levels (see, e.g., Col. 5, lines 44-55). Either way, Reed needs the associated confidence scores to determine which location position to use. This requires additional processing and calculation beyond that of Applicant's invention which uses the location of the second device as the location of the first device. Further Applicant's invention is consequently less complex. This teaches away from Applicant's invention because it does not use location information from another device in the event that the first device is unable to determine its location.

Applicant respectfully traverses the § 102(e) rejection of Claims 5, 17, and 40 for at least these reasons and requests its withdrawal.

Claims 9-10, 21-23, and 41-42 depend from one or another of the independent Claims discussed above and are believed patentable for at least the same reasons. In addition, Applicant believes Claims 9-10, 21-23, and 41-42 to be independently patentable and request separate consideration of each claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application. Applicant's undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

By 

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